IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 13545 of 2005

Between:

M. Ganga Raju S/o. Venkataswamy Raju,

R/o. Gopalapuram H/o. Vembakam,
Nagalampuram, Mandal Chittoor District.

..... PETITIONER

AND

The Mandal Revenue Officer, Nagalpuram Mandal,

Nagalapuram, Chittoor, Dist.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or direction declaring the notice issued by the respondent in
R.C.No.B/306/2005 dated 19-5-2005 as illegal arbitrary and without power and consequently set aside the same and pass such other or further order or orders as deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.P.GANGA RAMI REDDY

Counsel for the Respondent: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

Seeking a Writ of Mandamus, declaring the notice issued by the respondent in R.C.No.B/306/2005, dated 19.05.2005, as illegal and arbitrary, the present writ petition is filed.

The petitioner alleged to have assigned an extent of Ac.2.87 cents in S.No.357/2 situated at Vembakam village in Patta No.D.K.T.623/4/86, dated 24.08.1986 and since then he has in possession and enjoyment of the said land. While so, after lapse of 19 years, the respondent issued the impugned notice dated 19.05.2005 alleging that the petitioner has not brought the land under cultivation within three years from the date of grant of patta and threatened to cancel the assignment. The petitioner gave reply to the said notice on 31.05.2005 and the respondent has not considered his explanation and has been threatening to dispossess the petitioner from the land in question. Hence the petitioner is constrained to approach this Court through this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The learned counsel for the petitioner contended that the respondent has no power to issue the impugned notice after lapse of 19 years as per Board Standing Orders.

This Court in ***P.Anasuyamma vs. Commissioner of Land Revenue*** took the view

that initiation of proceedings for cancellation of assignment after three years and even beyond twelve years barred by time. This Court also observed that the Board Standing Order 15 specifically provides even in the case of misrepresentation or fraud, such powers should be exercised within three years and not beyond three years.

The petitioner herein was assigned the land in question in the year 1986. The respondent, as per Board Standing Orders, has no power to cancel the assignment after three years.

Following the judgment of this Court, referred above, I deem it appropriate to allow the writ petition, while setting aside the impugned notice dated 19.05.2005 issued by the respondent.

The Writ Petition is, accordingly, allowed. No order as to costs.

_____

ELIPE DHARMA RAO,J

Dated: 05.07.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Mandal Revenue Officer,

Nagalapuram Mandal,

Nagalapuram, Chittoor District

2. Two CCs to the Government Pleader

for Revenue, High Court Buildings,

Hyderabad (OUT)

3. Two CD copies

4. 1 CC to MR.GANGA RAMI REDDY

*Form-NIC-OGS/WP{**CTMP**}*